

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELECTION SYSTEMS & SOFTWARE, INC.,)
Plaintiff,) 8:09CV311
vs.) ORDER
JAMES DALTON and DALTON CONSULTING, LLC,)
Defendants.)

Upon notice of settlement given to the magistrate judge on October 13, 2010, by Kristin M. Farwell, counsel for the plaintiff,

IT IS ORDERED that:

1. **On or before October 22, 2010**, the parties shall electronically file a joint stipulation for dismissal (or other dispositive stipulation) and shall submit to the Honorable Joseph F. Bataillon, at *bataillon@ned.uscourts.gov*, a draft order which will fully dispose of the case. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a) and shall state whether the dismissal is with or without prejudice.
 2. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice.
 3. The pretrial conference and trial previously scheduled are cancelled and the motion to compel (Filing No. 31) is terminated upon the representation that this case is settled.

DATED this 13th day of October, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge